

FAYETTE COUNTY COMMISSION

July 25, 2014

COURTHOUSE

FAYETTEVILLE, WV 25840

MEMBERS Present: Denise A. Scalph, Matthew Wender, John H. Lopez

The Fayette County Commission met in a regular meeting on this 25<sup>th</sup> day of July 2014.

President Scalph called the meeting to order at 9:05 a.m.

Eddie Young, Assessor appeared before the Commission to present exonerations for personal property for Thomas E. Akers \$91.50; James T. & Anna Ayers \$415.68; Karen Crist \$21.16; Arrison llc \$18.46; Berton Atkinson \$56.96; Brian Eugene & Elizabeth A Cole \$79.52; Anise G Morris, Jr. \$401.42; Johnny D and Deanna M. Critchley Jr. \$62.16; Eltina C. & Frank W. Arrington; 1,057.74; James D. Bowyer \$917.68; City Wrecker \$469.66; Grayson Willis \$158.02. Commissioner Wender offered a motion to approve exonerations and Commissioner Scalph seconded. Unanimous decision.

Eddie Young, Assessor presented exonerations for real property for Robert Bohn, etux \$128.10; Earl & Connie Wood \$221.36; Lonnie P. & April J. Warwick \$210.58; Mary C. Kincaid \$306.20; Hubert Eugene McKinney, Jr. \$163.72; Shaffer Supply Corp \$2,868.02; Portee Ltd Corp \$295.00; Jim Dangelo etux \$21.00; Robert L. & Friezella Lewis \$43.00; John M. Gilkerson \$215.20; R.F. Koontz \$108.26; Raymond Koontz \$66.48; Bobby & Alma Knight \$373.60; Kenneth K. Kruger \$444.44; Cora Mitchell \$136.60; Corine Humphrey \$122.86; Thomas K. & Lisa K. Fast \$683.29; Kenneth R. & Sandra Miller \$677.44; Christine Parham \$216.74; Johnny D. Critchley \$266.72; Eric L. Pugh \$83.70; William R. Bennett \$256.20; Artie A. Wriston \$175.16; Beverly Dean-Bowles \$136.82; Brandy Jones

\$382.26; Carol Jean Jeffries \$282.70; Charles Ray Johnson \$213.68; Mallie H. Samms \$248.26; Ronald S. Hayslette \$209.06; Kate Richardson Revels \$4.14; Kate Richardson Revels \$595.16; Gordon Barnard, \$237.42; Joseph Cuthbertson \$215.56; Suzanne Hall Pennington \$110.92; David Shaun Coleman \$456.06; Rufus R. Keeney \$505.50; Chris Robinson \$308.20; Corrine Humphrey \$95.32; Ronald Lee Epperly \$305.56; Christopher Franklin \$156.60; Christopher Franklin \$167.56; Norman B. Kelly \$256.20; Mary E. Cole \$198.30; Joan Collins \$118.36; Brenda Sue Smith \$256.20; Ronald Lee Smith \$305.56; County Commission of Fayette \$268.24; Clarence G. Martin \$256.20; Gerald Cornell, Sr. \$385.85; Richard Akers \$127.40; Michael T. Connelly \$60.60; Beneficial West Virginia \$106.32; June G. Dickinson \$256.20; Earl M. Fair Jr. \$88.38; Norman C. Richardson \$188.84; James E. Anderson \$277.46; Bonnie M. Lively \$1,757.78; Allen J. Nelson, Sr. \$668.26; Freddie Wingfield \$256.20. Commissioner Wender offered a motion to approve exonerations and President Scalph seconded. Unanimous decision.

Commissioner Wender offered a motion to approve vouchers and invoices. Checks to be released July 25<sup>th</sup> for invoices and approved 2nd half of payroll, checks to be released July 30, 2014. President Scalph seconded. Unanimous decision.

The Commission discussed the interim Director of the Office of Emergency Management. President Scalph recommended Theresa White for the interim position. Commissioner Wender motioned to authorize Theresa White as interim Director of the Office of Emergency Management. President Scalph seconded. Unanimous decision.

Donald Carte appeared before the Commission to inform the

Commission of a problem on Arrowcreek Road in Dodson Ridge. Mr. Carte does not have water service. He was supposed to get water but something happened and caused a lawsuit with West Virginia American Water and then his water was turned off. Mr. Carte requested the help of the Commission by way of funding or water testing. Commissioner Wender requested to have Kenny Hayes from New Haven PSD and Donald Carte placed on the agenda of a future meeting to further discuss the issue.

Ms. Berry presented an order for the commission to sign to approve a tax credit for Andrew and Amanda Worthington. Commissioner Wender motioned to approve the order authorizing a tax credit for Andrew and Amanda Worthington as requested by Assessor Eddie Young. President Scalph seconded. Unanimous decision.

Ms. Berry presented a letter for the Commission to sign to John David with application for the Governor's Community Participation Grant Program. Commissioner Wender motioned to forward the application to John David. President Scalph seconded. Unanimous decision.

Ms. Berry presented the Budget Revision. Commissioner Wender motioned to approve the revision request to approve the budget to bring our fund balance up to actual with an increase of \$84,000. President Scalph seconded. Unanimous decision.

Greg O'Neal addressed the Commission by way of a conference call to discuss why he requested to be on the agenda for the current meeting. Bill Hannabass, John Tuggle and Lesley Taylor also appeared in person. Mr. O'Neal stated that Arbuckle PSD had previously been in

great need of funding however that need has lessened. Triad Engineering Company has agreed to complete work with the understanding that payment will not be received until a grant is approved. John Tuggle and Lesley Taylor appeared before the Commission in light of the financial problems of Arbuckle PSD. They discussed having a letter of intent drafted quickly. Mr. O'Neal stated Mr. Kelish is working on the letter of intent and will send to his attorney to review as soon as possible. Mr. O'Neal inquired about who will be responsible until work is completed. Mr. Hannabass stated the letter of intent will cover all of the information Mr. O'Neal is questioning. Mr. O'Neal reiterated the emergency of this situation. Mr. Tuggle then stated that as long as Arbuckle PSD stays in compliance nothing will happen. Ms. Taylor stated that a preliminary application has been started for the Emergency Funding however nothing can move forward until Triad reports the estimated costs. Commissioner Wender inquired about the situation if emergency funding does not go forward and asked how Triad will be paid. Mr. O'Neal stated that Triad has agreed to continue working in lieu of Emergency Funding. Commissioner Scalph stated this is a time sensitive issue and everyone knows what needs to be done and it has to be done as soon as possible. Commissioner Wender suggested that the Commission consider paying Arbuckle's attorney to help move the project along. The Commission asked Mr. O'Neal to get the estimated figure so that they may hold a discussion to proceed with payment. The Letter of Intent is in draft form and should be completed by Monday, July 28<sup>th</sup>. Ms. Taylor is to be in touch with Arbuckle's attorney regarding an estimated figure from

today to Letter of Intent completion. No figures from past work, just forward. The Commission must do something to affirm they are entirely behind this consolidation.

Carl Harris, Prosecuting Attorney, stated the Commission does not have much leverage in regards to Kanawha Falls Public Fishing Area. Ms. Berry will write a letter to Ross Kirk.

Senator William Laird appeared and acknowledged the letter sent to them regarding the Fayette County BOE tennis courts. Senator Laird stated that the legislature will contribute \$8,000.00. The Town of Fayetteville will also contribute, however the City of Oak Hill has not agreed to participate. President Scalph suggested letting Oak Hill know that the other entities have agreed to fund the project. The Commission will invite the tennis court group to another meeting for further discussion.

Senator Laird stated that he received a letter concerning Bridge Walk and he still is in support.

Angela Gerald and Tim Richardson appeared to discuss a 90-day plan for dilapidated property. Ms. Gerald presented a picture of a property that has been cleared. She also presented the 90-day plan. Nine of the properties are due for hearings, four of the properties have had action taken on them and Ms. Gerald is preparing paperwork to start demolition on Monday July 28<sup>th</sup>. Twenty of the properties will receive final notices in the next 90 days and appear before the Commission. First notices will be sent to thirty-eight of the properties in the Valley and thirty in Minden.

The Commission held a discussion about the loan of \$400,000

through the WV housing fund. Mr. Harris suggested making a payment because interest is being accrued. Ms. Berry asked for a statement on the interest, Ms. Gerald is to give Ms. Berry contact information for the office in Beckley.

Van M. Burks has contacted Ms. Gerald about purchasing his neighboring property that the Commission owns and has a lien on. Mr. Harris states that the property in question will have to be taken to court with appraisal and then a public auction will be held. Ms. Gerald will discuss with Mr. Burks and inquire about how much he is willing to pay because of what the Commission will go through.

Dickie Smith, Head of Maintenance, appeared to present the Maintenance 90 Day Plan. Commissioner Wender requested filling in the potholes with asphalt in the Sheriff's parking lot. Ms. Berry requested sealing the lot before winter. Commissioner Wender asked for an update on the Fayette County Memorial Building basement and requested that walls be removed to make way for records storage. Load bearing walls will be identified, then all other walls will be removed. The main door needs fixed, either new door or new locks. Mr. Wender suggests asking David Neal to identify all wires and get electricians to come in and remove unnecessary wires. Ms. Berry requested installing a sink on the third floor of the Courthouse. Melvin Withrow will check the walls.

Mr. Wender inquired about the Animal Shelter heating duct in the new building.

Commissioner Lopez arrived to the meeting at 11:20 a.m.

Mr. Withrow is to meet with Bruce and discuss these issues with

him and ask for a solution.

Mr. Withrow and Mr. Smith will return August 8<sup>th</sup> to discuss these issues after more research has been completed.

Paul Clay, Attorney and Matthew Bradford with Lusk & Associates, and Ronda Falk, Tax Office appear to discuss the removal of Sheriff as executor on estate of Phillip Todd Ridenour. Lusk & Associates appointed the Sheriff because of unfairness between Mr. Ridenour's current and ex wives. Mr. Clay represents Tammy Ridenour, widow. Tammy Ridenour wants to be appointed as the executor. Lusk represents Cindy Ridenour, the ex-wife. The statute states that Sheriff can only be appointed if no one else is available. Mr. Harris states since there is someone available now that it should be handed over. Lusk's concern is the trust of Tammy Ridenour versus the trust of Sheriff. Mr. Harris suggests Tammy Ridenour take over the estate because she would know better about the estate than the Sheriff, considering the Sheriff cannot even locate any assets. Commissioner Wender suggests the Sheriff stay the executor. Commissioner Scalph agrees with Mr. Harris. Paul Clay tables the motion until he speaks with his client, they will either withdraw it or reschedule.

The Commission then discussed properties. Pertaining to the parking lot between Water Stone and Blankenship Law if the Commission leases or sales property, it must be advertised. Mr. Wender would like to ask for rent for the parking spots. He also suggests leasing the property and advertise for sale. If there is no interest, then post the property for Courthouse parking only. Ms. Berry will send a letter to Jamie Blankenship and Water Stone notifying them of the

Commission's plans. Ms. Berry will count spaces and offer a minimum of \$35 per space and that will be the minimum bid.

Commissioner Wender motioned to offer Fayette County National Bank \$70,000 for the Belinda Morton property and further authorized Ms. Berry to approve future offers if Fayette County National Bank approves. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a funding request from Greg Boggs with Restlawn Memory Gardens for money to erect a giant American Flag at the cemetery. Mr. Harris stated Commission cannot give money to private property.

Ms. Berry presented order approving the total number and type of election boards for the various precincts for the November 4, 2014 General Election for the Commission to sign. Notification of the list will be sent to the Democratic and Republican Executive Committees by August 29, 2014. Commissioner Wender motioned to approve the order to Executive Committees. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented and inspection agreement between the Building Code Office and Appalachian Inspection for President Scalph to sign. Commissioner Lopez motioned for authorizing President Scalph to sign agreement. Commissioner Wender seconded. Unanimous decision.

Ms. Berry presented a quote to replace the mats at Fayette County Memorial Building in the amount of \$2,052.83. Commissioner Wender offers motioned to purchase 23 mats from Phillip's Supply. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a request from Okey for a new push lawn mower



for the price of \$199.00. Commissioner Wender motioned to approve. Commissioner Lopez seconded. Unanimous decision.

Ms. Berry presented a Notice to Proceed Letter related to the Dunloup Creek Cultural Resources work from Pam Yost with the NRCS for the Commission to sign. Commissioner Wender motioned to sign the letter of product 1 and product 2 for the bids of the kiosks. Commissioner Lopez seconded. Unanimous decision.

The Commission held a discussion about the Informational Technology position. Ms. Berry will write a letter to David Neal and ask how the trainer is currently being paid. Commissioner Wender suggested putting a message on the list serv asking about other IT positions and rate of pay.

The meeting was adjourned at 1:09 p.m.